

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:18-cv-00167-EGS**

LAWYERS' COMMITTEE FOR CIVIL RIGHTS UNDER
LAW v. U.S. DEPARTMENT OF JUSTICE et al
Assigned to: Judge Emmet G. Sullivan
Cause: 05:552 Freedom of Information Act

Date Filed: 01/26/2018
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

**LAWYERS' COMMITTEE FOR
CIVIL RIGHTS UNDER LAW**

represented by **David J. Weiner**
ARNOLD & PORTER KAYE SCHOLER
LLP
601 Massachusetts Ave, NW
Washington, DC 20001
(202) 942-6702
Fax: (202) 942-5999
Email: david.weiner@apks.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Ezra David Rosenberg
LAWYERS' COMMITTEE FOR CIVIL
RIGHTS UNDER LAW
1401 New York Avenue, NW
Suite 400
Washington, DC 20005
(202) 662-8345
Fax: (202) 783-0857
Email: erosenberg@lawyerscommittee.org
LEAD ATTORNEY
PRO HAC VICE
ATTORNEY TO BE NOTICED

Robert Neil Weiner
ARNOLD & PORTER KAYE SCHOLER
LLP
601 Massachusetts Avenue, NW
Washington, DC 20001
(202) 942-5855
Fax: (202) 942-5999
Email: robert.weiner@apks.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Daniel F. Jacobson
ARNOLD & PORTER KAY SCHOLER
LLP
601 Massachusetts Avenue, NW
Washington, DC 20001
(202) 942-5602
Email: daniel.jacobson@apks.com
ATTORNEY TO BE NOTICED

Eric Alexander Rubel
ARNOLD & PORTER KAYE SCHOLER
LLP
601 Massachusetts Ave, NW
Washington, DC 20001
(202) 942-5749
Fax: (202) 942-5999

Email: eric.rubel@apks.com
ATTORNEY TO BE NOTICED

Jon M. Greenbaum
LAWYERS' COMMITTEE FOR CIVIL
RIGHTS UNDER LAW
1500 K Street, NW
Suite 900
Washington, DC 20005
(202) 662-8325
Email: jgreenbaum@lawyerscommittee.org
ATTORNEY TO BE NOTICED

John Arak Freedman
ARNOLD & PORTER KAYE SCHOLER
LLP
601 Massachusetts Ave, NW
Washington, DC 20001
(202) 942-5316
Fax: (202) 942-5999
Email: john.freedman@apks.com
ATTORNEY TO BE NOTICED

V.

Defendant

**U.S. DEPARTMENT OF
HOMELAND SECURITY**

represented by **Carol Federighi**
U.S. DEPARTMENT OF JUSTICE
Civil Division, Federal Programs Branch
20 Massachusetts Avenue N.W.
Room 6108
Washington, DC 20530
(202) 514-1903
Email: carol.federighi@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Joseph Evan Borson
U.S. DEPARTMENT OF JUSTICE
Civil Division, Federal Programs Branch
1100 L Street NW
Washington, DC 20005
(202) 514-1944
Fax: (202) 616-8460
Email: joseph.borson@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Kristina Ann Wolfe
U.S. DEPARTMENT OF JUSTICE
Civil Division, Federal Programs Branch
P.O. Box 883
Ben Franklin Station
Washington, DC 20044
(202) 353-4519
Email: kristina.wolfe@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

U.S. DEPARTMENT OF JUSTICE

represented by **Carol Federighi**
(See above for address)
LEAD ATTORNEY

*ATTORNEY TO BE NOTICED***Joseph Evan Borson**

(See above for address)

*LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Kristina Ann Wolfe**

(See above for address)

*LEAD ATTORNEY**ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
01/26/2018	<u>1</u>	COMPLAINT against U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. DEPARTMENT OF JUSTICE (Filing fee \$ 400 receipt number 0090-5305276) filed by LAWYERS' COMMITTEE FOR CIVIL RIGHTS UNDER LAW. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Civil Cover Sheet, # <u>3</u> Summons, # <u>4</u> Summons, # <u>5</u> Summons, # <u>6</u> Summons)(Freedman, John) (Entered: 01/26/2018)
01/26/2018	<u>2</u>	NOTICE OF RELATED CASE by LAWYERS' COMMITTEE FOR CIVIL RIGHTS UNDER LAW. Case related to Case No. 1:17-cv-01354. (Freedman, John) (Entered: 01/26/2018)
01/29/2018	<u>3</u>	NOTICE of Appearance by Jon M. Greenbaum on behalf of LAWYERS' COMMITTEE FOR CIVIL RIGHTS UNDER LAW (Greenbaum, Jon) (Entered: 01/29/2018)
01/29/2018		Case Assigned to Judge Colleen Kollar-Kotelly. (zmd) (Entered: 01/29/2018)
01/30/2018		SUMMONS Not Issued as to U.S. DEPARTMENT OF JUSTICE, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. Attorney, U.S. Attorney General (zmd) (Entered: 01/30/2018)
01/30/2018	<u>4</u>	REQUEST FOR SUMMONS TO ISSUE filed by LAWYERS' COMMITTEE FOR CIVIL RIGHTS UNDER LAW. (Attachments: # <u>1</u> Summons, # <u>2</u> Summons, # <u>3</u> Summons)(Freedman, John) (Entered: 01/30/2018)
01/30/2018	<u>5</u>	NOTICE of Appearance by Daniel F. Jacobson on behalf of LAWYERS' COMMITTEE FOR CIVIL RIGHTS UNDER LAW (Jacobson, Daniel) (Entered: 01/30/2018)
01/30/2018	<u>6</u>	NOTICE of Appearance by David J. Weiner on behalf of LAWYERS' COMMITTEE FOR CIVIL RIGHTS UNDER LAW (Weiner, David) (Entered: 01/30/2018)
01/30/2018	<u>7</u>	NOTICE of Appearance by Robert Neil Weiner on behalf of LAWYERS' COMMITTEE FOR CIVIL RIGHTS UNDER LAW (Weiner, Robert) (Entered: 01/30/2018)
01/31/2018	<u>8</u>	NOTICE of Appearance by Eric Alexander Rubel on behalf of LAWYERS' COMMITTEE FOR CIVIL RIGHTS UNDER LAW (jf) (Entered: 01/31/2018)
01/31/2018	<u>9</u>	SUMMONS (4) Issued Electronically as to U.S. DEPARTMENT OF JUSTICE, U.S. DEPARTMENT OF HOMELAND SECURITY, U.S. Attorney and U.S. Attorney General (znmw) (Entered: 01/31/2018)
02/06/2018	<u>10</u>	Case randomly reassigned to Judge Emmet G. Sullivan. Judge Colleen Kollar-Kotelly is no longer assigned to the case as not related. (ztnr) (Entered: 02/07/2018)
02/08/2018	<u>11</u>	STANDING ORDER: The parties are directed to read the attached Standing Order Governing Civil Cases Before Judge Emmet G. Sullivan in its entirety upon receipt. The parties are hereby ORDERED to comply with the directives in the attached Standing Order. Signed by Judge Emmet G. Sullivan on 02/08/18. (Attachment: # <u>1</u> Exhibit 1) (mac) (Entered: 02/08/2018)
02/20/2018	<u>12</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 2/1/2018. Answer due for ALL FEDERAL DEFENDANTS by 3/3/2018. (Freedman, John)

		Modified date of service and answer deadline on 2/21/2018 (znmw). (Entered: 02/20/2018)
02/20/2018	<u>13</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 2/1/2018. (Freedman, John) Modified date of service on 2/21/2018 (znmw). (Entered: 02/20/2018)
02/20/2018	<u>14</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. DEPARTMENT OF HOMELAND SECURITY served on 2/1/2018 (Freedman, John) (Entered: 02/20/2018)
02/20/2018	<u>15</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. DEPARTMENT OF JUSTICE served on 2/1/2018 (Freedman, John) (Entered: 02/20/2018)
02/21/2018		Set/Reset Deadlines: Answer due by 3/3/2018, (znmw) (Entered: 02/21/2018)
03/05/2018	<u>16</u>	NOTICE of Appearance by Carol Federighi on behalf of All Defendants (Federighi, Carol) (Entered: 03/05/2018)
03/05/2018	<u>17</u>	ANSWER to <u>1</u> Complaint by U.S. DEPARTMENT OF JUSTICE, U.S. DEPARTMENT OF HOMELAND SECURITY.(Federighi, Carol) Modified to add link on 3/6/2018 (znmw). (Entered: 03/05/2018)
03/07/2018		MINUTE ORDER. Plaintiff brings this action pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552. The parties are directed to meet and confer and propose a joint scheduling order for further proceedings in this case by no later than April 13, 2018. The parties' joint proposed scheduling order shall address the following: (1) the status of plaintiff's FOIA request; (2) the anticipated number of documents responsive to plaintiff's FOIA request; (3) the anticipated date(s) for release of documents responsive to plaintiff's FOIA request; (4) whether a motion for an Open America stay is likely in this case; (5) whether a Vaughn index will be required in this case; (6) whether this case would benefit from referral to a magistrate judge or the District Court Mediation Program for purposes of settlement; and (7) a proposed briefing schedule for dispositive motions, if applicable. If the parties are unable to agree on a joint recommendation, the joint proposed scheduling order shall include each party's individual recommendations. Signed by Judge Emmet G. Sullivan on March 7, 2018. (lcegs2) (Entered: 03/07/2018)
03/07/2018		Set/Reset Deadlines: Joint Proposed Scheduling Order due by 4/13/2018. (mac) (Entered: 03/07/2018)
03/09/2018	<u>18</u>	NOTICE of Appearance by Ezra Rosenberg by LAWYERS' COMMITTEE FOR CIVIL RIGHTS UNDER LAW (Freedman, John) (Entered: 03/09/2018)
03/12/2018		NOTICE OF ERROR re <u>18</u> Notice (Other); emailed to john.freedman@apks.com, cc'd 12 associated attorneys -- The PDF file you docketed contained errors: 1. In future, appearing attorney must file own appearance using his assigned ECF login; Do not refile. (znmw,) (Entered: 03/12/2018)
04/13/2018	<u>19</u>	NOTICE of Appearance by Joseph Evan Borson on behalf of U.S. DEPARTMENT OF JUSTICE, U.S. DEPARTMENT OF HOMELAND SECURITY (Borson, Joseph) (Entered: 04/13/2018)
04/13/2018	<u>20</u>	NOTICE of Appearance by Kristina Ann Wolfe on behalf of U.S. DEPARTMENT OF JUSTICE, U.S. DEPARTMENT OF HOMELAND SECURITY (Wolfe, Kristina) (Entered: 04/13/2018)
04/13/2018	<u>21</u>	Joint STATUS REPORT AND SCHEDULING PROPOSAL by LAWYERS' COMMITTEE FOR CIVIL RIGHTS UNDER LAW. (Freedman, John) (Entered: 04/13/2018)
04/25/2018		MINUTE ORDER. In view of <u>21</u> the parties' joint status report, it is hereby ORDERED that the Department of Justice shall complete its production of responsive documents and Vaughn index(es) by no later than June 1, 2018. It is FURTHER ORDERED that the Department of Homeland Security shall complete loading its records into its FOIA processing system by no later than April 30, 2018 and provide its

		first production of documents to plaintiffs by no later than May 25, 2018. It is FURTHER ORDERED that the Department of Homeland Security shall submit a report to the Court of the number of documents potentially responsive to plaintiffs' FOIA request and its proposed dates for release of those documents, including the date on which it proposes to complete its production, by no later than May 25, 2018. The Court declines to set a briefing schedule for dispositive motions at this time. Signed by Judge Emmet G. Sullivan on April 25, 2018. (lcegs2) (Entered: 04/25/2018)
04/26/2018		Set/Reset Deadlines: Department Of Homeland Security Report To The Court due by 5/25/2018. (mac) (Entered: 04/26/2018)
05/25/2018	<u>22</u>	STATUS REPORT by U.S. DEPARTMENT OF HOMELAND SECURITY. (Wolfe, Kristina) (Entered: 05/25/2018)
05/29/2018		MINUTE ORDER. In view of <u>22</u> the parties' joint status report, the parties are directed to file a further joint status report, including a recommendation for further proceedings, by no later than August 3, 2018. Signed by Judge Emmet G. Sullivan on May 29, 2018. (lcegs2) (Entered: 05/29/2018)
05/30/2018		Set/Reset Deadlines: Joint Status Report due by 8/3/2018. (mac) (Entered: 05/30/2018)
08/03/2018	<u>23</u>	Joint STATUS REPORT <i>and Scheduling Proposal</i> by U.S. DEPARTMENT OF JUSTICE, U.S. DEPARTMENT OF HOMELAND SECURITY. (Borson, Joseph) (Entered: 08/03/2018)
08/07/2018		MINUTE ORDER. Upon consideration of <u>23</u> the parties' joint status report and scheduling proposal, the parties are directed to comply with the following briefing schedule: defendant's motion for summary judgment shall be filed by no later than October 12, 2018. Plaintiff's opposition shall be filed by no later than November 9, 2018. If plaintiff chooses to file a cross-motion, it shall be combined with the opposition and filed on that same date. Defendant's reply and, if applicable, combined opposition shall be filed by no later than November 30, 2018. Plaintiff's reply, if applicable, shall be filed by no later than December 14, 2018. Signed by Judge Emmet G. Sullivan on 8/7/2018. (lcegs2) (Entered: 08/07/2018)
08/07/2018		Set/Reset Deadlines: Defendant's Motion For Summary Judgment due by 10/12/2018. Plaintiff's Opposition Or If Chooses To File A Cross-Motion, It Shall Be Combined With The Opposition due by 11/9/2018. Defendant's Reply And, If Applicable, Combined Opposition due by 11/30/2018. Plaintiff's Reply, If Applicable, due by 12/14/2018. (mac) (Entered: 08/07/2018)
10/05/2018	<u>24</u>	NOTICE of Change of Address by Kristina Ann Wolfe (Wolfe, Kristina) (Entered: 10/05/2018)
10/05/2018	<u>25</u>	Consent MOTION to Vacate Order,, by U.S. DEPARTMENT OF JUSTICE, U.S. DEPARTMENT OF HOMELAND SECURITY (Attachments: # <u>1</u> Declaration of Joseph F. Klimavicz, # <u>2</u> Text of Proposed Order)(Wolfe, Kristina) (Entered: 10/05/2018)
10/09/2018		MINUTE ORDER granting <u>25</u> defendants' consent motion to vacate the current briefing schedule. The parties shall file a joint status report proposing a schedule for further proceedings by no later than October 19, 2018. Signed by Judge Emmet G. Sullivan on 10/9/2018. (lcegs2) (Entered: 10/09/2018)
10/09/2018		Set/Reset Deadlines: Joint Status Report due by 10/9/2018. (mac) (Entered: 10/09/2018)
10/19/2018	<u>26</u>	Joint STATUS REPORT <i>and Scheduling Proposal</i> by U.S. DEPARTMENT OF JUSTICE, U.S. DEPARTMENT OF HOMELAND SECURITY. (Borson, Joseph) (Entered: 10/19/2018)
10/29/2018		MINUTE ORDER. Upon consideration of <u>26</u> the parties' joint status report and scheduling proposal, the parties are directed to comply with the following briefing schedule: Discovery shall close by no later than November 15, 2018. Defendants shall file their motion for summary judgment, including supporting Vaughn indices and declarations, by no later than December 13, 2018. Plaintiff shall file its opposition to defendants' motion for summary judgment, and its cross-motion for summary judgment by no later than January 17, 2019. Defendants shall file their opposition to

		plaintiffs' motion for summary judgment and reply in support of their motion for summary judgment by no later than February 7, 2019. Plaintiff shall file a reply in support of its motion for summary judgment by no later than February 21, 2019. Signed by Judge Emmet G. Sullivan on 10/29/2018. (lcegs2) (Entered: 10/29/2018)
10/29/2018		Set/Reset Deadlines: Discovery by 11/15/2018. Defendant Motion For Summary Judgment due by 12/13/2018. Plaintiff Opposition To Defendants' Motion For Summary Judgment And Cross-Motion for Summary Judgment due by 1/17/2019. Defendants Opposition To Plaintiffs' Motion For Summary Judgment And Reply In Support Of Their Motion For Summary Judgment due by 2/7/2019. Plaintiff Reply In Support Of Its Motion For Summary Judgment due by 2/21/2019. (mac) (Entered: 10/29/2018)
12/13/2018	<u>27</u>	MOTION for Summary Judgment by U.S. DEPARTMENT OF JUSTICE, U.S. DEPARTMENT OF HOMELAND SECURITY (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Declaration of James V.M.L. Holzer, # <u>3</u> Declaration of Valerie Hall Yancey, # <u>4</u> Declaration of Vanessa R. Brinkmann, # <u>5</u> Statement of Facts, # <u>6</u> Text of Proposed Order)(Wolfe, Kristina) (Entered: 12/13/2018)
01/17/2019	<u>28</u>	MOTION for Summary Judgment by LAWYERS' COMMITTEE FOR CIVIL RIGHTS UNDER LAW (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Statement of Facts, # <u>5</u> Statement of Genuine Issues, # <u>6</u> Text of Proposed Order)(Freedman, John) (Entered: 01/17/2019)
01/17/2019	<u>29</u>	Memorandum in opposition to re <u>27</u> MOTION for Summary Judgment filed by LAWYERS' COMMITTEE FOR CIVIL RIGHTS UNDER LAW. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Statement of Genuine Issues, # <u>4</u> Text of Proposed Order)(Freedman, John) (Entered: 01/17/2019)
01/25/2019	<u>30</u>	Unopposed MOTION to Stay <i>in Light of the Continued Lapse in Appropriations</i> by U.S. DEPARTMENT OF JUSTICE, U.S. DEPARTMENT OF HOMELAND SECURITY (Attachments: # <u>1</u> Text of Proposed Order)(Wolfe, Kristina) (Entered: 01/25/2019)
01/25/2019		MINUTE ORDER denying <u>30</u> motion to stay. The parties are directed to file a joint schedule for further proceedings by no later than February 18, 2019. Signed by Judge Emmet G. Sullivan on 1/25/2018. (lcegs2) (Entered: 01/25/2019)
01/28/2019		Set/Reset Deadlines: Joint Scheduled For Further Proceedings due by 2/18/2019. (mac) (Entered: 01/28/2019)
01/31/2019	<u>31</u>	PROPOSED BRIEFING SCHEDULE re Order on Motion to Stay (<i>Joint</i>) & <i>Motion for Extension of Current Deadlines</i> by U.S. DEPARTMENT OF JUSTICE, U.S. DEPARTMENT OF HOMELAND SECURITY. (Attachments: # <u>1</u> Text of Proposed Order)(Borson, Joseph) (Entered: 01/31/2019)
01/31/2019		MINUTE ORDER. Upon consideration of the parties' joint proposed schedule, the following schedule shall govern the proceedings: Defendants shall file an opposition to plaintiffs' motion for summary judgment and reply in support of their motion for summary judgment by no later than February 15, 2019. Plaintiffs shall file a reply in support of its motion for summary judgment by no later than March 1, 2019. Signed by Judge Emmet G. Sullivan on 1/31/2019. (lcegs2) (Entered: 01/31/2019)
02/01/2019		Set/Reset Deadlines: Defendants Opposition To Plaintiffs' Motion For Summary Judgment And Reply In Support Of Their Motion For Summary Judgment due by 2/15/2019. Plaintiff Reply In Support Of Its Motion For Summary Judgment due by 3/1/2019. (mac) (Entered: 02/01/2019)
02/15/2019	<u>32</u>	Memorandum in opposition to re <u>28</u> MOTION for Summary Judgment filed by U.S. DEPARTMENT OF JUSTICE, U.S. DEPARTMENT OF HOMELAND SECURITY. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B (Supplemental Declaration of James V.M.L. Holzer), # <u>3</u> Exhibit C (Supplemental Declaration of Valerie Hall Yancey), # <u>4</u> Exhibit D, # <u>5</u> Statement of Facts (Response), # <u>6</u> Text of Proposed Order)(Wolfe, Kristina) (Entered: 02/15/2019)
02/15/2019	<u>33</u>	REPLY to Opposition re <u>27</u> MOTION for Summary Judgment filed by U.S. DEPARTMENT OF JUSTICE, U.S. DEPARTMENT OF HOMELAND SECURITY. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B (Supplemental Declaration of James

		V.M.L. Holzer), # <u>3</u> Exhibit C (Supplemental Declaration of Valerie Hall Yancey), # <u>4</u> Exhibit D)(Wolfe, Kristina) (Entered: 02/15/2019)
03/01/2019	<u>34</u>	REPLY to opposition to motion re <u>28</u> MOTION for Summary Judgment filed by LAWYERS' COMMITTEE FOR CIVIL RIGHTS UNDER LAW. (Freedman, John) (Entered: 03/01/2019)
03/20/2019		MINUTE ORDER denying without prejudice <u>27</u> defendants' motion for summary judgment and <u>28</u> plaintiff's motion for summary judgment for failure to comply with paragraph 13 of <u>11</u> the Court's standing order governing civil cases. The parties are directed to submit a proposed schedule for rebriefing summary judgment by no later than March 30, 2019. Signed by Judge Emmet G. Sullivan on 3/20/2019. (lcegs2) (Entered: 03/20/2019)
03/21/2019		Set/Reset Deadlines: Proposed Schedule For Rebriefing Summary Judgment due by 3/30/2019. (mac) (Entered: 03/21/2019)